



**General Assembly
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**General Assembly
Fifty-seventh session
Agenda item 33**

**Causes of conflict and the promotion of durable peace
and sustainable development in Africa**

**Security Council
Fifty-seventh year**

**Letter dated 10 October 2002 from the Permanent Representative
of the United Republic of Tanzania to the United Nations
addressed to the Secretary-General**

I have the honour to transmit a copy of the joint communiqué of the Eighteenth Regional Summit on Burundi, which was held in Dar-es-Salaam, United Republic of Tanzania on 6 and 7 October 2002 (see annex).

I would appreciate if the communiqué could be published as an official document of the Security Council and of the General Assembly.

(Signed) Daudi N. **Mwakawago**
Ambassador



Annex to the letter dated 10 October 2002 from the Permanent Representative of the United Republic of Tanzania to the United Nations addressed to the Secretary-General

Joint communiqué of the Eighteenth Regional Summit on Burundi

1. The Eighteenth Regional Summit meeting of the heads of State and Government of the Regional Peace Initiative on Burundi met in Dar-es-Salaam, United Republic of Tanzania, on 6 and 7 October 2002, under the chairmanship of H.E. Yoweri Kaguta Museveni, President of the Republic of Uganda.

2. The Summit reviewed the situation in Burundi in general and the status of the ceasefire negotiations in particular. Following a briefing by Deputy President Jacob Zuma, on behalf of the Facilitator, an extensive discussion with President Pierre Buyoya of Burundi and the Speaker of the Transitional National Assembly of Burundi, Dr. Jean Minani, on the one hand, and the leader of the delegation of the Conseil national pour la défense de la démocratie-Forces pour la défense de la démocratie (CNDD-FDD) (Pierre Nkurunziza), Rajabu Hussein, on the other, and an extensive exchange of views on the matter, the Summit:

(a) Welcomed the signing of the ceasefire agreements between the Transitional Government of Burundi and CNDD-FDD (Jean Bosco Ndayikengurukiye) and the Parti pour la libération du peuple hutu-Forces nationales de libération (Palipehutu-FNL) (Alain Mugabarabona), respectively, as an encouraging step towards the restoration of peace, security and stability in Burundi and the full implementation of the Arusha Peace and Reconciliation Agreement for Burundi;

(b) Welcomed the commitment made by the leader of the delegation of CNDD-FDD (Pierre Nkurunziza) to resume substantive ceasefire negotiations without any conditions and on the basis of the Arusha Peace Agreement;

(c) Decided that CNDD-FDD (Pierre Nkurunziza) and Palipehutu-FNL (Agathon Rwasa) should enter immediately into direct ceasefire negotiations with the Transitional Government of Burundi with a view to concluding a ceasefire agreement within 30 days. The negotiations should be conducted at the highest level by all the parties;

(d) Decided also to meet after 30 days to review the situation and if no ceasefire agreement has been reached between the parties, to take appropriate measures against the recalcitrant party with a view to restoring peace and stability in Burundi and ensuring the full implementation of the Arusha Peace Agreement;

(e) Directed that CNDD-FDD (Jean Bosco) and Palipehutu-FNL (Alain Mugabarabona) and other armed groups and movements that sign a ceasefire agreement be integrated into the transitional institutions and other structures of the State, including the army and other security forces;

(f) Called upon the armed groups and movements signatories to the Arusha Peace Agreement to take steps to facilitate the integration of their forces;

(g) Directed the Implementation Monitoring Committee to monitor the process of integration of forces in accordance with the letter and spirit of the Arusha Peace Agreement;

(h) Commended the Transitional Government of Burundi for the efforts made towards the implementation of the Arusha Peace Agreement;

(i) Commended also the Facilitator, President Nelson Mandela, Deputy President Jacob Zuma and President El Hadj Omar Bongo and their facilitation teams for the efforts they have deployed, and encouraged them to pursue their efforts with the continued support of the Government of the United Republic of Tanzania;

(j) Commended further President Benjamin William Mkapa and his Government for their support to the facilitation process and for their commitment to the restoration of peace and stability in Burundi and in the Great Lakes region.

Done at Dar-es-Salaam, 7 October 2002

**General Assembly**

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Agenda item 13

Report of the International Court of Justice**Note verbale dated 23 October 2002 from the Permanent Mission of Costa Rica to the United Nations addressed to the Secretary-General**

The Permanent Mission of Costa Rica presents its compliments to the Secretary-General of the United Nations, in his capacity as depositary of the declarations provided for in Article 36, paragraph 2, of the Statute of the International Court of Justice, and has the honour to attach the bilateral agreement signed by Mr. Roberto Tovar Faja, Minister for Foreign Affairs and Worship of Costa Rica, and Mr. Norman Caldera Cardenal, Minister for Foreign Affairs of Nicaragua, on 26 September 2002.

Since article 3 of the above-mentioned agreement refers to the declaration of Nicaragua under article 36, paragraph 2, of the Statute of the International Court of Justice, and to the rights of Costa Rica with respect to that declaration, the Permanent Mission of Costa Rica would be grateful if the attached note could be transmitted to the secretariat of the International Court of Justice and to the States parties to its Statute.

The Permanent Mission of Costa Rica would also be grateful if the attached text could be issued as a document of the General Assembly under agenda item 13.

Lastly, the Permanent Mission of Costa Rica requests the Secretary-General to register the text of the attached agreement in accordance with Article 102, paragraph 1, of the Charter of the United Nations.



**Annex to the note verbale dated 23 October 2002 from the
Permanent Mission of Costa Rica to the United Nations
addressed to the Secretary-General**

Certification

I, the undersigned, Bruno Stagno, Permanent Representative of Costa Rica to the United Nations, hereby certify that the attached text is a faithful and complete copy of the Tovar-Caldera Agreement between Costa Rica and Nicaragua, signed on 26 September 2002 in the city of Alajuela, Costa Rica, which has given rise to no reservation, declaration or objection by the parties and which was done in the Spanish language. I further certify that the additional copy of this Agreement contained on diskette is a faithful and complete copy of the Tovar-Caldera Agreement.

I further certify that this Agreement entered into force on 26 September 2002 upon its definitive signature in accordance with the last paragraph of the Agreement, and that it was signed by Mr. Roberto Tovar Faja, Minister for Foreign Affairs and Worship of the Republic of Costa Rica, and Mr. Norman Caldera Cardenal, Minister for Foreign Affairs of the Republic of Nicaragua.

New York, 23 October 2002

(Signed) Bruno **Stagno**
Ambassador
Permanent Representative

Enclosure

The Ministers for Foreign Affairs of the Republics of Costa Rica and Nicaragua,

Expressing their unswerving will and determination to develop and strengthen their ties of brotherhood and good-neighbourliness, as countries united by strong historical, geographical, cultural and human ties,

Considering the importance to our peoples of economic integration projects such as the customs union, the free-trade agreement between Central America and the United States of America, the Puebla-Panama Plan and the association agreement between Central America and the European Union, among other significant regional initiatives,

Noting the importance of deepening cooperation between the two States for the sustainable development of the border region, including the establishment of a special development fund,

Bearing in mind that the strengthening of our good-neighbourly relations is essential to the energetic promotion of Central American economic and cultural integration and the sustainable human development of our countries for the benefit of our peoples,

Convinced that economic integration projects and the creation of an appropriate climate for investment, trade and international cooperation can be further promoted insofar as both parties resort to peaceful means of settlement of any situations that may affect the successful course of their relations, and

Confident that the fraternal spirit that unites our peoples and the renewed bilateral relations will allow for the strengthening of a broad area of understanding and harmony to our mutual advantage,

Have agreed as follows:

1. The Governments of Costa Rica and Nicaragua shall, from today's date, as a matter of cross-border comity, eliminate any charge that might hinder free movement across their common border by means of a temporary entry or exit permit.
2. The Government of Costa Rica expresses its willingness to eliminate the fee for visas granted to Nicaraguan citizens carrying an ordinary passport as from 1 January 2003. If the elimination of the visa fee requires an amendment to the existing law, the Government of Costa Rica shall promote and support such an amendment, on the understanding that the Legislative Assembly shall take a decision in accordance with its sovereignty. As soon as the Government of Costa Rica eliminates the visa fee, the Government of Nicaragua shall also eliminate, at the national level, the charge for tourist cards and migratory services for Costa Rican citizens. To those ends, the Governments of Costa Rica and Nicaragua shall immediately undertake the appropriate technical studies.
3. The Government of Nicaragua undertakes to maintain, for a period of three years from today's date, the legal status existing on today's date with respect to its declaration of acceptance of the jurisdiction of the International Court of Justice. For its part, during the same period, the Government of Costa Rica

undertakes not to take any action or make any international claim against Nicaragua before the Court or in any other international forum with respect to any matter or claim referring to treaties or agreements currently in force between the two countries.

4. Nothing in this Agreement shall be interpreted or prejudged as being a renunciation of positions or a relinquishment or weakening of the rights which each of the Parties holds and retains in accordance with existing treaties in the framework of international law.

In witness whereof, we sign, for immediate validity and effect, in the city of Alajuela, Republic of Costa Rica, two original texts, both being in the Spanish language and equally valid, on 26 September 2002.

(Signed) **Roberto Tovar Faja**
Minister for Foreign Affairs and Worship
of the Republic of Costa Rica

(Signed) **Norman Caldera Cardenal**
Minister for Foreign Affairs
of the Republic of Nicaragua

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Agenda item 22 (g)

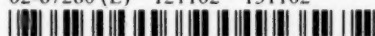
**Cooperation between the United Nations and regional
and other organizations: cooperation between the
United Nations and the International Organization
of la Francophonie**

**Letter dated 31 October 2002 from the Chargé d'affaires a.i. of the
Permanent Mission of Lebanon to the United Nations addressed to
the Secretary-General**

I have the honour to transmit to you, enclosed herewith, the Beirut Declaration and Plan of Action, the final documents of the Ninth Summit of la Francophonie, which was held in Beirut, from 18 to 20 October 2002 (see annex).

I should be grateful if you would have the text of this letter and its annex circulated as a document of the General Assembly under agenda item 22 (g).

(Signed) Houssam Diab
Chargé d'affaires a.i.



**Annex to the letter dated 31 October 2002 from the Chargé
d'affaires a.i. of the Permanent Mission of Lebanon addressed
to the Secretary-General**

**Ninth Summit of Heads of State and Government of countries
using French as a common language: Beirut, 18, 19 and
20 October 2002**

Beirut Declaration

We, the Heads of State and Government of countries using French as a common language, meeting from 18 to 20 October 2002 in Beirut, welcome the fact that a summit of la Francophonie is being held for the first time in an Arab country, Lebanon. Our presence in the Near East underlines our solidarity with the Arab language and culture, a solidarity that allows us to reaffirm the universal dimension of la Francophonie.

We have decided to devote the Ninth Summit of la Francophonie to

The dialogue of cultures.

We reaffirm the major role played by the dialogue of cultures in the promotion of peace and the democratization of international relations. This dialogue entails respect for different identities, openness to others and a search for common and shared values.

We wish to further intensify the dialogue of cultures and civilizations and to bring peoples closer together through mutual understanding, two objectives that we declared in our Charter to be among the priorities of la Francophonie.

We are resolved to strengthen the role of the International Organization of la Francophonie to that end.

We reaffirm our commitment to multilateral cooperation in the search for solutions to the major international problems.

We are determined to extend the scope of francophone collaboration and cooperation in order to fight poverty and contribute to the emergence of a more equitable form of globalization that will bring progress, peace, democracy and human rights, in full respect for cultural and linguistic diversity, in the interests of the most vulnerable populations and the development of all countries.

I. The dialogue of cultures, an instrument of peace, democracy and human rights

We undertake to strengthen the role of la Francophonie in the interests of consolidating peace, democracy and human rights and we invite the Secretary-General to continue his activities in this direction in close cooperation with francophone agencies and the relevant international organizations.

1. Peace

We emphasize our concern in the face of continuing violence, the re-emergence of terrorism and the worsening of crises and conflicts of every kind. We are convinced that the dialogue of cultures constitutes a prerequisite for the

search for peaceful solutions and will enable us to combat exclusion, intolerance and extremism.

In accordance with the relevant United Nations resolutions, in particular Security Council resolution 1373 (2001), we strongly condemn any recourse to terrorism and emphasize the need for close cooperation among all States and governments to prevent and counter this terrible phenomenon. We undertake to accede as soon as possible to all the international conventions against terrorism and to implement them; we call for the conclusion of a general convention on terrorism. At the same time, we must emphasize that all measures to combat terrorism must respect the fundamental principles of the Charter of the United Nations and the international human rights instruments, humanitarian law and refugee law.

We condemn violations of the national sovereignty and territorial integrity of States, the use of the territories of countries that have received refugees to destabilize their countries of origin, armed aggression, occupation situations, the destruction, pillage and illegal exploitation of natural resources and other sources of wealth and human rights abuses. We call on those responsible for such situations to respect the Charter of the United Nations and we support all initiatives or actions that are legal and in conformity with the relevant United Nations resolutions, including General Assembly resolution 46/51 of 9 December 1991, and with international law that may put an end to them. We reaffirm our support for the United Nations in its quest for just and peaceful solutions to these situations.

We reiterate our international commitments concerning protection and assistance for civilian populations, in particular for women and children, in situations of armed conflict.

We undertake to involve the International Organization of la Francophonie more closely in the preparation and follow-up of the major international conferences on peace, democracy and human rights held under the auspices of the United Nations.

We reaffirm our total solidarity with Lebanon and its people in their endeavours to address the political, economic and social challenges confronting them.

With regard to the situation in the Middle East, we call for the immediate revival of the peace process on the basis of the principles agreed on at the Madrid peace conference and the relevant United Nations resolutions, including Security Council resolutions 242 (1967) and 338 (1973).

To that end, we support the Arab peace initiative unanimously adopted at the Arab Summit Conference held in Beirut on 27 and 28 March 2002; we consider it to be in every respect, inter alia as regards the principle of land for peace and the problem of Palestinian refugees, the most appropriate basis for the achievement of a just, lasting and global solution in the region.

We defend the primacy of international law and the leading role of the United Nations. We call on the collective responsibility of the United Nations to resolve the Iraq crisis and on Iraq to respect all its obligations in full.

We note with satisfaction that, on 16 September 2002, Iraq officially accepted the unconditional resumption of inspections by the United Nations.

We condemn the attempt to seize power by force and the calling into question of the existing constitutional order in Côte d'Ivoire.

We call on the Ivorian political class and the population as a whole to demonstrate restraint, to refrain from violence and to protect human life and property.

We support the efforts made, in particular by the Economic Community of West African States (ECOWAS), to promote dialogue, the only path to lasting reconciliation.

We support the Secretary-General of the International Organization of la Francophonie in his continued action to assist ongoing mediation efforts.

We hail the birth, on 9 July 2002, in Durban (South Africa) of the African Union, which evidences the will of the heads of State and Government of the continent to enhance cooperation and solidarity among their States.

We welcome, in that connection, the adoption by the African Union of the New Partnership for Africa's Development (NEPAD) and the decision of the G8, at its meeting in Kananaskis, in June 2002, to back this initiative with an Africa Action Plan.

We request the Secretary-General to ensure that the International Organization of la Francophonie gives its support to this African initiative, which seeks to promote peace, security, democracy and respect for human rights.

We consider that the African countries have a special role to play in the mediation and arbitration process aimed at dispelling latent tensions and curbing the outbreak of crises in Africa. Accordingly, we support the mechanisms devised at the continental and regional levels to prevent, solve and manage the endemic conflicts within, or on the borders of African States.

We endorse efforts to suppress networks engaging in the unlawful trafficking and uncontrolled circulation of arms. We strongly condemn the recruitment and indoctrination of child soldiers, which practices particularly affect the African continent, and we reaffirm our will effectively to apply international instruments concerning children's rights.

We reiterate our support for measures to consolidate peace in societies emerging from armed conflicts, especially steps to recover and destroy weapons and to reintegrate demobilized soldiers, particularly youths, in a tolerant society which respects democratic values.

2. Democracy

We proclaim that the French-speaking peoples, democracy and development are inseparably linked. We are convinced that democracy requires the practising of dialogue at all levels of society. To this end, we are determined to implement the Bamako Declaration¹ on the status of the practices of democracy, rights and freedoms in the French-speaking community, which constitutes a step forward in the history of our Organization. This commitment to democracy must be reflected in cooperation among the French-speaking peoples, drawing on the positive

¹ Viet Nam and Laos draw attention to their reservations regarding article 2, paragraph 5, and article 5, paragraph 3, of the Bamako Declaration.

experiences and practices of each member State and Government. To that end, we are adopting the Action Plan annexed to this Declaration.

We also reaffirm our condemnation of all forms of genocide, war crimes and crimes against humanity, which constitute nothing less than massive violations of human rights, as well as our condemnation of coups d'état and serious breaches of the existing constitutional order, inasmuch as they disrupt democracy.

Aware of the importance of the full and equal participation of women in political, economic, social and cultural life, we endorse the Luxembourg Declaration on Women, Power and Development.

3. Human rights

We emphasize the universal and inseparable nature of all civil, political, economic, social and cultural rights, including the right to development and are determined to ensure that all citizens fully enjoy them.

For that purpose, we request the Secretary-General to pursue, together with the relevant international organizations, his efforts to promote the ratification of the principal international and regional instruments which guarantee these rights, and their effective implementation by member States.

We undertake, at all levels of society, to combat the impunity of those who violate human rights, by strengthening the capacity of the competent administrative and judicial institutions. We welcome the entry into force, on 1 July 2002, of the Rome Statute of the International Criminal Court, which will help to end impunity and make it possible to bring to trial those who commit genocide, crimes against humanity and war crimes. To that end, we invite those States which have not yet done so to ratify the Rome Statute of the International Criminal Court, or to accede to it as soon as possible.

We consider that, while respecting the Charter of the United Nations and the principles of international law, recognition of cultural diversity may warrant the adoption by States and Governments of measures to protect persons belonging to minority groups.

We will promote the emergence of new partnerships between public and private initiatives, mobilizing all those who strive for the recognition, protection and respect of human rights.

II. La Francophonie, a forum for dialogue among cultures

1. Culture

We confirm our support for the open-minded notion of cultural diversity reiterated at the Moncton Summit and embodied in the Cotonou Declaration. We emphasize our attachment to the rich variety of plural cultural identities making up the French-speaking area and our wish to preserve it.

We consider that recognition of the diversity and uniqueness of cultures, inasmuch as they respect the values, standards and principles embodied in the Charter of the United Nations and the International Bill of Human Rights, creates favourable conditions for the dialogue of cultures.

We stress the importance of the economic implications of culture and the cultural industries, a sector that generates growth and employment. We intend to foster its development and to provide a dynamic environment for the agents that contribute to it.

2. Language policies

We draw attention to the fact that French, the language that we use in common, is the underlying bond of our community and we reaffirm our determination to work together to further multilingualism, to maintain the standing and influence of French and to promote it as a major language of communication at the international level.

Underlining the importance of linguistic diversity in the international organizations and other forums in which we are present, we reaffirm our commitment to give greater priority to the use of French there, while respecting the official languages of States, Governments and international organizations. To that end, we request the Secretary-General to take resolute action to that effect and, for that purpose, we intend to strengthen our ties with other relevant international organizations, especially those representing the main linguistic areas.

In the spirit of the Cotonou Declaration, we likewise confirm our commitment to support and develop policies that will buttress multilingualism, in order to further among the population of the French-speaking area a knowledge of and also an attachment to the French language and partner national languages.

3. Cultural policies

We confirm our determination not to allow cultural goods and services to be reduced to the level of mere commodities. We reaffirm that our States and Governments are entitled freely to define their cultural policy and the means for its implementation. We are determined to defend these positions within various international forums.

We welcome the adoption of the Universal Declaration on Cultural Diversity by the United Nations Educational, Scientific and Cultural Organization (UNESCO). We endorse the principle of working out a universal regulatory framework and we are therefore prepared to contribute actively to the adoption by UNESCO of an international convention on cultural diversity, that establishes the right of States and Governments to maintain, establish and develop policies in support of culture and cultural diversity. Its purpose must be to define a right applicable to cultural diversity. This convention must also emphasize openness to other cultures and expressions thereof.

We instruct the Secretary-General of the International Organization of la Francophonie to set up, under the aegis of the Permanent Council, a working group responsible for contributing to the international debate, in UNESCO and in other forums such as the International Network on Cultural Policy (RIPC), with a view to drafting an international convention on cultural diversity.

We consider that, in the present circumstances, preservation of cultural diversity entails refraining from having any part in the liberalization of cultural goods and services at the World Trade Organization (WTO), so as not to jeopardize the efficacy of instruments designed to promote and underpin cultural diversity.

We are resolved to employ all necessary means to ensure that greater use of information and communication technologies does not widen the gaps within our societies or create new inequalities by encouraging a brain drain to the most innovative economies. Consequently, we undertake to support the expansion of these information technologies so as to reduce the digital divide in the French-speaking community. We will actively participate in the World Summit on the Information Society, which will be held in Geneva in 2003 and then in Tunis in 2005. To that end, we have decided to convene a ministerial conference of French-speaking countries on information and communication technologies during the current biennium.

We are determined to pursue the establishment and strengthening, within our States and Governments, of institutional frameworks, regulatory bodies and policies to develop the audio-visual media, circulate information, provide persons active in the cultural field with access to international markets and protect their rights.

We undertake to support the widest possible access to French-speaking multilateral television and to develop its role as a world showcase of cultural diversity.

III. A French-speaking community that is more united in the service of sustainable economic and social development

Controlling globalization and its implications imposes a shared responsibility on us. The dialogue of cultures, which makes for the mutual enrichment of knowledge and experience, goes some way to meeting the challenges of our times and to creating the conditions for sustainable development.

Poverty, illiteracy, pandemics, especially AIDS, insecurity, organized crime and ecological imbalances are scourges which isolate the most vulnerable countries and populations from development.

We undertake to combat these scourges by strengthening cooperation within our community and by establishing closer ties with the other competent multilateral bodies.

Convinced that education and training are essential preconditions for sustainable development, we reaffirm the priority given to promoting and supporting these activities.

In conjunction with the international community as a whole, we have subscribed to the objectives of Education for All (EFA) formulated at the World Education Forum in Dakar in 2001, to provide basic education and enable all children, and in particular girls, to have access to compulsory, free and quality primary education which will promote their integration in social and professional life.

We are determined to strengthen the role of la Francophonie in these fields and undertake to work together with the partners for development to promote policies of education for all based on the values of equity, solidarity and tolerance.

We reaffirm the role of public authorities in planning and managing education and training policies.

We therefore call on the Conference of Ministers of Education to complete the indispensable process of reform as rapidly as possible to enable it to carry out its statutory tasks with a view to promoting the point of view of the French-speaking community in the international bodies involved in the follow-up to the Dakar Forum, creating the conditions to make our education systems eligible for international funding and performing its task of helping to shape the education programmes of the International Agency of la Francophonie.

We appeal for greater solidarity with the most vulnerable population groups and between rich and poor countries. We pay tribute to the key role played by women and young people in development and, following the special session of the United Nations General Assembly on children, we reaffirm the need for a common policy based on solidarity to protect the rights of the child.

We are determined to make an active contribution to implementing the New Partnership for Africa's Development (NEPAD), and therefore call upon the Secretary-General to ensure that genuine synergy is established between this process which seeks to promote economic and social development in Africa, the G8 Action Plan and the actions of the International Organization of la Francophonie, *inter alia* by participating in the preparation of the regional and subregional strategies being developed in Africa.

We call upon the international community, and in particular the economic institutions and the private sector, to help set in motion this new process.

We welcome the economic and social progress made by the countries of South-East Asia and the Pacific that are members of la Francophonie. We reaffirm that their attachment to francophone values helps strengthen the image of la Francophonie and give it a universal dimension. We therefore express our solidarity and support for strengthening of the cooperation programmes in these regions of the world.

We welcome the process launched by the United Nations Millennium Declaration, which was carried forward at Monterrey, at the International Conference on Financing for Development, and at Johannesburg, at the World Summit on Sustainable Development, and the new round of multilateral trade talks in Doha. We shall pursue our efforts to combat poverty and extend our solidarity in the first place to the least developed countries (LDCs) and small island States to enable them to become integrated in the global circuit of trade in goods and services.

We are resolved to ensure that the Tenth Conference of Heads of State and Government that use French as a common language is a milestone in implementing the Johannesburg Action Plan.

By developing the cooperation which began with the ministerial conference in Monaco, we shall defend these positions in international bodies, and in particular those with economic responsibilities. We shall promote the effective participation of each member State and Government in the work of these organizations.

In order to create a Francophonie which is based on greater solidarity and is more enterprising, we urge the operators to support actions aimed at strengthening North-South and South-South economic cooperation in the interests of sustainable development in the French-speaking world.

We welcome the election of Mr. Abdou Diouf as Secretary-General of the International Organization of la Francophonie and undertake to give him our full support in the performance of his duties.

In order to achieve the objectives set out in this Declaration we hereby adopt the enclosed action plan and undertake to endow la Francophonie with the necessary resources for this purpose.

Ninth Conference of the Heads of State and Government that use French as a common language

Beirut, 18, 19 and 20 October 2002

Beirut Action Plan

We, the Heads of State and Government of countries using French as a common language, meeting from 18 to 20 October 2002, in Beirut, have just adopted a declaration solemnly reaffirming the key commitments which bind us together. Despite the fact that the Summit was postponed for one year owing to the international situation, we have resolutely pursued our cooperation activities.

To this end the Ministerial Conference of la Francophonie, meeting in Paris on 11 January 2002, adopted the multilateral Francophonie programme for the 2002-2003 biennium.

We welcome the guidelines issued by the Conference as part of the follow-up to the Moncton Summit and endorse the conclusions of the sectoral and thematic meetings held during the biennium 2000-2001. These guidelines should continue to assist our principal operator, the Intergovernmental Agency of la Francophonie, and our direct operators, the Agence universitaire de la Francophonie, the International Association of Mayors and Others Responsible for Partially or Entirely French-speaking Capital Cities or Metropolises, TV5 and Senghor University, in implementing the programme until the end of the biennium.

We welcome the fact that this programme is based on four major areas of activity where, we believe, la Francophonie can and must play an important role:

- Peace, democracy and human rights,
- The promotion of the French language and cultural and linguistic diversity,
- Basic education, vocational and technical training, higher education and research,
- Economic and social cooperation at the service of sustainable development and solidarity.

We shall endow la Francophonie with the resources necessary to execute this programme.

We particularly stress the need to strengthen cooperation between francophone States and Governments on the issues of priority interest to la Francophonie discussed in international forums. We intend to ensure that the common positions and official declarations of la Francophonie resulting from this cooperation are adopted by its bodies.

We encourage the Secretary-General to increase cooperation with international and regional organizations and redouble efforts to establish synergy through bilateral cooperation agreements reflecting national development policies with a view to establishing genuine partnerships. We also urge him to develop the know-how to make it easier to mobilize funding from international institutions.

We appeal for a strengthening of partnerships between our operators and emphasize the contribution made by institutional networks and cooperation between

decentralized authorities, economic and social partners and representatives of civil society in promoting a dynamic Francophonie.

To this end a symposium will be organized on co-funding for development.

We call on the Secretary-General to pursue the process of evaluating the operators of the Summits. We endorse the conclusions of the report on the follow-up of the evaluation of the Intergovernmental Agency of la Francophonie.

We are convinced that the formulation of a 10-year strategic framework will make it easier to set long-term objectives for la Francophonie.

We hereby decide to adopt four-year programmes which, we hope, will boost efforts to renew multilateral francophone cooperation so as to make it more streamlined, efficient and visible.

We call on the competent authorities to keep these matters under review until the Ouagadougou Summit so that, at that point, we may adopt a strategy for the period 2004-2013 and draw all the conclusions needed to formulate four-year programmes.

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Agenda item 104

**Report of the United Nations High Commissioner for
Refugees, questions relating to refugees, returnees and
displaced persons and humanitarian questions**

New international humanitarian order**Report of the Secretary-General****Summary*

The present report addresses the question of promotion of a new international humanitarian order, which has been on the agenda of the General Assembly since its thirty-sixth session but which has assumed an important additional dimension following the developments around the world since the events of 11 September 2001.

The opening paragraphs of the report summarize the evolution of the item since its inclusion in the agenda of the Assembly. The paragraphs that follow are a succinct presentation of some ideas and concepts whose relevance to the current humanitarian challenges is axiomatic and whose purpose is to ensure a holistic approach to these challenges while accelerating the process of promoting a humanitarian order that corresponds to emerging realities. The report calls for new solutions to old and recurrent problems, while drawing attention to some of the new challenges.

The recommendations at the end of the report, read with the ideas and proposals put forward in the annex, invite reflection and action by the Assembly.

* The delay in the submission of the report was caused by the need to wait for the views of Governments, as requested in Assembly resolution 55/73.



1. The present report is submitted pursuant to paragraph 7 of General Assembly resolution 55/73 of 4 December 2000. Since the inclusion of the item relating to the promotion of a new international humanitarian order in the agenda of its thirty-sixth session, the Assembly has adopted without a vote 15 resolutions, in all of which it has expressed support for the initiative and recognized the role and efforts of the Secretary-General in that regard.

2. In the above-mentioned, most recent resolution on the subject, the Assembly, as in previous resolutions, invited Governments to make available to the Secretary-General on a voluntary basis, information and expertise on humanitarian problems of concern to them, in order to identify opportunities for future action. Over the years, some 60 Governments have made available their views regarding the concept of a new international humanitarian order and made suggestions concerning the humanitarian challenges facing the international community. These views were annexed to the 11 reports hitherto submitted by the Secretary-General under this item. In addition to Member States, 12 agencies and programmes of the United Nations system, as well as a number of international non-governmental organizations, have made available their views and information regarding their activities in the humanitarian field.

3. In his previous report on the subject (A/55/545), the Secretary-General expressed his conviction that the response of Member States would help to develop an agenda for humanitarian action at the national, regional and international levels. Taking into account the humanitarian emergencies in recent years and in particular developments at the national and regional levels throughout the world following the events of 11 September 2001, it would indeed be desirable to develop such an agenda as a tool for preparedness and prevention through positive and timely action by the international community.

4. In view of queries regarding the concept of a new international humanitarian order, the Secretary-General wishes to reiterate what the Government of Jordan, which introduced the agenda item, stated in an earlier report, namely, that the purpose was not to question the existing humanitarian instruments and mechanisms but rather to build on them and thus strengthen the international response to humanitarian challenges, and that the aim was, first, to encourage the updating and adjustment of the existing instruments and practices to new realities and, second, to identify new humanitarian issues that call for adequate international responses (A/53/486, annex). It is clear that, in view of the armed conflicts and humanitarian emergencies which have claimed millions of lives during the past decade and taking into account the new problems posed by international terrorism, there is more than ever before an urgent need to promote a new international humanitarian order based on innovative thinking and on lessons learned.

5. While sustainable and concerted global efforts to prevent, contain and minimize human suffering during emergencies are essential, it is equally important to identify and address the root causes of humanitarian emergencies. A comprehensive and holistic approach is urgently called for to prevent and contain them. Such an approach may seem costly in the short run but huge benefits are bound to accrue in the long run, not only in terms of the financial and political efforts required during emergencies but, above all, in terms of avoiding or alleviating human suffering.

6. The link between humanitarian emergencies and underdevelopment is increasingly being recognized by the world community as is the nexus of poverty, violence and lack of good governance. This calls for a corresponding change in the perspective, approach and operational strategies of both the donors and recipients of humanitarian and development aid. At the same time, it is essential that adequate measures be taken to protect innocent civilians who, numerically, constitute an overwhelming majority of the victims of armed conflict and other man-made disasters.

7. Experience during recent years shows that hundreds of thousands of lives could be saved through timely action. Effective measures need to be taken to increase the capacity of response mechanisms to act speedily and adequately when situations so demand. These should include local capacity-building in order to promote the self-sufficiency and maximum involvement of local populations, the main stakeholders, from the outset. This should be done at the national as well as the regional level.

8. There is a growing awareness of the need to resolve problems at the regional level before they become internationalized. The Charter of the United Nations (Chap. VIII) recognizes the role of regional organizations in the maintenance of peace and security. The same could be said, by analogy, of the preventive and containment efforts made in regard to crisis situations, as well as humanitarian action in emergency situations. There is no doubt that, for purposes of preparedness and containment and for facilitating international action when required, regional capacity can be of decisive importance. Hence the need for the development of human and material resources as well as capacity-building of indigenous non-governmental organizations.

9. In the context of the Global Compact and in recognition of the increasingly significant role being played by the private sector in the socio-economic and political fields, the Secretary-General has time and again emphasized the importance and relevance of the private sector to humanitarian work. While commendable efforts have been made by the private sector in certain crisis situations, there is a need to institutionalize and further strengthen its role within universally accepted humanitarian principles, in particular in the context of humanitarian emergencies. On the basis of enlightened self-interest, it is time for local, regional and international bodies to establish links with the private sector and for the latter to join with them in concerted efforts to alleviate suffering and promote socio-economic well-being.

10. By resolution 55/73, the Assembly highlighted the need for strict adherence to refugee law, international humanitarian law and human rights instruments. In a number of reports to various forums, the Secretary-General has continued to plead for a culture of compliance regarding those laws and norms.

11. Bearing in mind the events of 11 September 2001, the Secretary-General is of the view that the study relating to compliance, mentioned in his previous report, should take into account the important developments that have occurred throughout the world since that date. Likewise, the increasingly important role of non-state actors in terms of respect of international instruments and universally accepted norms must be analysed. In this context, attention is drawn to the role of the Independent Bureau for Humanitarian Issues which has undertaken the aforementioned study, as well as to the invitation extended to the Bureau by the

Assembly in resolution 55/73, to strengthen further its activities, including cooperation with the Office for the Coordination of Humanitarian Affairs of the United Nations Secretariat and the other relevant bodies of the United Nations system.

Recommendations

12. Taking into account the ongoing efforts of the Secretary-General and the considerations and concerns mentioned above, the General Assembly may wish, *inter alia*, to:

(a) Urge Governments to assist the Secretary-General in his efforts to promote a new international humanitarian order that corresponds to new realities and challenges, including the development of an agenda for humanitarian action;

(b) Call upon Governments to provide expertise and the necessary means to identify the building blocks of such an order and agenda, plan the architecture and undertake the required supplementary activities, in addition to those mentioned in the foregoing paragraphs;

(c) Ensure support for strengthening regional capacity and activities to prevent or contain humanitarian emergencies;

(d) Support the efforts of the Secretary-General to promote a culture of compliance and help to identify the measures that need to be taken in addition to the ongoing activities in this regard;

(e) Provide the necessary means in terms of human and financial resources in order to identify and cover the grey areas in the humanitarian space that are not covered by existing mechanisms and that call for international supportive action.

Annex

Replies received from Governments

Bosnia and Herzegovina

1. The tenacious efforts being made by the United Nations to promote peace and human rights, encourage the prevention and containment of conflicts, ensure the protection of the vulnerable and strengthen the coordination of related activities deserve the appreciation and support of all nations and men of goodwill. The Government and people of Bosnia and Herzegovina, on the basis of their experience during and after the armed conflict which ravaged their country, owe a special debt of gratitude to the United Nations system and the international community for their timely and valuable assistance. Having had direct experience of humanitarian challenges before, during and after the armed conflict in our country, we fully recognize and support the need to promote a new international humanitarian order, in particular after the events of 11 September.

2. In Bosnia and Herzegovina, and in general in the Balkan region, peacemaking and peacekeeping efforts have yielded encouraging results. However, the challenge of peace-building still remains. For peace to be durable, it must be supported by humanitarian assistance and by sustainable development in the economic and social fields. In this regard, it would be worthwhile for the United Nations to strengthen its peace-building efforts, in particular in the war-ravaged countries which remain vulnerable and in dire need of stability.

3. In its previous submission to the report of the Secretary-General on a new international humanitarian order (see A/53/486, annex), the Government of Bosnia and Herzegovina suggested the adoption by the General Assembly of a set of principles to regulate the conduct of all actors and stakeholders and to enhance the impact of external aid, which could serve as guidelines during complex emergency situations. These guidelines were elaborated, on the basis of extensive field experience, in close collaboration with the Independent Bureau for Humanitarian Issues and consisted of 20 articles, which were reproduced in the aforementioned report.

4. Although progress has since been made by the Economic and Social Council and the Assembly, as well as by the concerned United Nations agencies and Secretariat departments, to articulate the lessons learned during complex humanitarian emergencies, there is clearly the need to pursue the matter further in order to streamline and strengthen the role of all actors and stakeholders involved in such emergencies. Bearing this in mind and inspired by its own direct experience, the Government of Bosnia and Herzegovina proposes the adoption, in the form of a resolution or a declaration by the General Assembly, of basic tenets governing humanitarian action during complex emergencies. The Independent Bureau for Humanitarian Issues, in the context of the numerous Assembly resolutions relating to the promotion of a new international humanitarian order, has prepared a detailed commentary, article by article, of these tenets. It is hoped that the commentary, which provides the background, the rationale and a detailed explanation of each tenet, will facilitate consideration of the tenets and their expeditious adoption.

5. Another field in which the Government and people of Bosnia and Herzegovina have gained considerable experience is that of involuntary displacement of populations. Uprooted people, whether they are internally displaced or leave the country and become refugees, face the same ordeal. Their plight and the problems that they face are very similar. However, the attention and support that they receive from the international community are not similar. This disparity, as well as the need for protection and socio-economic development covering all categories of uprooted people, needs to be further studied in the context of the promotion of a new international humanitarian order.

Canada

1. The Government of Canada is committed to strengthening the legal and physical protection of civilians in situations of armed conflict. It views this objective as central to the achievement of a new international humanitarian order. In this respect, a demonstrated commitment to upholding international human rights, humanitarian and refugee law by state, and where applicable, non-state armed groups is critical, as is effective state, intergovernmental and non-governmental operational coordination and collaboration. Since the adoption of General Assembly resolution 55/73, Canada has continued to support international responses to both major and forgotten humanitarian emergencies, and to develop and promote tools, strategies and guidelines that could help to direct international responses so as to maximize the protection of civilians. The paragraphs below provide an overview of Canadian efforts to advance the principles outlined in resolution 55/73.

2. The adoption of resolution 55/73 coincided with the end of Canada's most recent Security Council tenure (1999-2000). Throughout its time on the Council, Canada worked closely with other Member States, the United Nations system and non-governmental organizations to develop practical approaches to civilian protection. With the adoption of resolutions 1265 (1999) and 1296 (2000) on the protection of civilians in armed conflict, and those focused on conflict prevention, children, and women in armed conflict, the Security Council has made important strides in developing a framework for action where populations are at risk. This is evident in the outline of new sanction regimes and peacekeeping missions. Continued implementation is a key factor in this regard.

3. For this initiative to succeed, it is critical that other organs of the United Nations, in particular the General Assembly, address the relevant parts of this agenda and work in partnership with actors and institutions outside the United Nations system. Over the past two years, therefore, Canada has focused on the development of practical strategies by international and regional organizations, and civil society actors in the field of civilian protection. Canada was pleased to have supported a number of projects aimed at advancing this goal, including, *inter alia*, the convening of a workshop, involving African Parliamentarians, on international humanitarian law in March 2002, two expert policy round-table meetings in New York in the second quarter of 2002, and a regional seminar on civilian protection in South Africa in October 2002. Canada have also focused on the development of operational tools. For instance, in the area of peacekeeping, Canada, together with the United Kingdom of Great Britain and Northern Ireland, has been active in promoting gender training for peace support operations — for its own forces and others with which it cooperates. Most recently, the jointly developed gender training

tools were made available online, so as to promote greater access, dissemination and implementation by other actors.

4. The Government of Canada has also sought to give prominent consideration to civilian protection issues at several high-level international meetings over the past two years. It was very pleased that the Africa Action Plan adopted by leaders of the Group of Eight at Kananaskis, Canada, in June 2002, committed the Group to addressing the issue of civilian protection and various dimensions associated with it. Section 1.7 of the Africa action plan explicitly focuses on work to enhance African capacities to protect and assist war-affected populations and facilitate the effective implementation in Africa of Security Council resolutions relating to civilians, women and children in armed conflict, including by supporting African countries hosting, assisting and protecting large refugee populations.

5. Canadian efforts have also been focused on the multilateral development of specific thematic initiatives, including those described below.

International refugee protection

6. The Global Consultations on International Protection initiated by the Office of the United Nations High Commissioner for Refugees (UNHCR) provided an important opportunity for the international community to revitalize its search for innovative responses to the needs of refugees and to reaffirm its commitment to the principles of international protection. As one contribution to the Consultations, Canada hosted a regional meeting in the second quarter of 2001 on the integration of protection principles in migration control measures and is currently developing initiatives to support UNHCR in the implementation of the Agenda for Protection, deriving from the Consultations. Beyond the global consultations, Canada has been working to address insecurity in refugee camps, including by hosting two international workshops aimed at identifying the appropriate role of international security forces. This has led to the development of new doctrine and has fed into the work of the Executive Committee of the High Commissioner's Programme.

Internally displaced persons (IDPs)

7. Effective coordination at the field level and adherence to international law are critical for ensuring the effective protection of internally displaced persons. Since the adoption of Assembly resolution 55/73, Canada has actively supported the work of the Representative of the Secretary General for Internally Displaced Persons, the Global IDP Project of the Norwegian Refugee Council, the Senior Inter-Agency Network on Internal Displacement and, more recently, the Internal Displacement Unit of the Office for the Coordination of Humanitarian Affairs. Canada also provides support for emergency projects targeting internally displaced persons in affected countries, such as Afghanistan, Angola, Burundi, the Democratic Republic of the Congo, Timor-Leste, Kosovo, Liberia, Sierra Leone and Sri Lanka.

Anti-personnel landmines

8. Canada firmly supports the Ottawa Convention as the best comprehensive framework for ensuring that the human tragedy caused by anti-personnel mines is addressed. It continues to work actively to address the humanitarian impact of anti-personnel mines, to increase the number of States parties to the Convention and to promote its implementation by helping States parties meet their obligations under

the Convention. This is done by supporting programmes, projects and diplomatic dialogue across the spectrum of mine action: mine clearance, destruction of stockpiles and provision of assistance to victims.

Security of humanitarian workers

9. Critical to the success of any humanitarian action is the ability of aid workers to work in a safe and unhindered environment, consistent with international law. Canada has been deeply concerned by the increase in, and impunity for, attacks against aid workers in the past several years, despite the existing legal protections. As part of its commitment to reverse this alarming trend, Canada has been a strong advocate for enhancing the legal protection of humanitarian workers and improving their access to training and equipment. It has earmarked financial resources in support of security for specific humanitarian operations, advocated an increase in United Nations regular budgetary support for the United Nations Security Coordinator, and taken active part in the ad hoc working group of the Sixth Committee of the General Assembly, which is evaluating ways of strengthening existing legal mechanisms.

Fighting impunity

10. Since the adoption of Assembly resolution 55/73, Canada has continued its efforts to promote the ratification and implementation of the Rome Statute which created the International Criminal Court, to ensure the effective functioning of the Court, and to conduct education and outreach regarding the work of the Court. Through its human security programme, Canada has supported ratification and implementation workshops in Asia, Africa, Latin America, the Caribbean, the South Pacific and the Middle East. These have been undertaken in partnership with other Governments, international organizations such as the International Committee of the Red Cross, the Commonwealth Secretariat, la Francophonie and non-governmental organizations. Canada has actively participated in United Nations discussions to create the Sierra Leone Special Court, which is to prosecute those who bear the greatest responsibility for crimes against humanity, war crimes and serious violations of Sierra Leonean law during the decade-long civil war. Canada serves as the Chair of the Management Committee for the Special Court and chairs the Group of Interested States, consisting of contributors to the Special Court.

War economies and sanctions

11. Canada is committed to working with the international community in tackling the economic dimensions of armed conflict. At the United Nations, and in particular during its recent term on the Security Council, Canada worked diligently to expose the link between diamonds and war. Canada is also a leading proponent of the Kimberley Process, aimed at creating an international certification scheme to tighten controls over the trade in rough diamonds and to prevent conflict diamonds from reaching legitimate markets. Canada is committed to developing systematic and effective responses to other war-related commodities and to the sophisticated financial networks through which they are laundered. The link between armed conflict and the exploitation of natural resources was further addressed in the Group of Eight's Africa Action Plan, agreed to at Kananaskis in 2002.

12. It is appropriate that consideration of the agenda item on the new international humanitarian order coincides with the tail end of the tenth anniversary of the adoption of General Assembly resolution 46/182 of 19 December 1991, the framing text for the current approach of the United Nations to humanitarian coordination and action. Key to both resolutions is their emphasis on the role of affected States in ensuring timely action on behalf of vulnerable populations. States have the responsibility in the first instance to protect populations within their borders. Where authorities are not able to fulfil this role, the international community can play an important supportive function. Canada was pleased to have financially supported the work of the International Commission on Intervention and State Sovereignty which developed the report entitled "The responsibility to protect". This document was submitted to the General Assembly at its fifty-seventh session (A/57/303, annex) and its follow-up will be important in generating a new consensus among the international community on controversial issues around the use of military force in response to genocide, ethnic cleansing and other mass atrocities.

13. In closing, it is important to underscore that the Government of Canada views the strengthening of the legal and physical protection of vulnerable populations as a shared responsibility. It requires collaboration and coherence in approach by a variety of actors, including Member States, United Nations agencies, intergovernmental and regional organizations, non-governmental organizations and the private sector. It demands that state and non-state armed groups respect international law and their responsibilities towards war-affected and other affected populations.

14. Important advances have been made since the adoption of resolution 55/73 in developing the necessary tools, mechanisms and instruments to enhance the international response to humanitarian crises. The efforts of the Office for the Coordination of Humanitarian Affairs and the Inter-Agency Standing Committee merit special mention in this respect. However, consistency remains a challenge, in particular on the part of States whose political commitment to addressing the root causes of humanitarian crises remains erratic. Continued efforts to ensure respect for international humanitarian, human rights and refugee law, to improve coordination among humanitarian actors and to identify and allocate adequate resources for humanitarian crises in a timely and flexible manner, including in the transition from relief to development, must remain key objectives of all Member States if we are to succeed in achieving the goals outlined in resolution 55/73.

Jordan

1. The Government of the Hashemite Kingdom of Jordan is convinced that, in the light of developments throughout the world since the tragedy of 11 September 2001, it is more important than ever before to promote a new international humanitarian order. The Government has noted with satisfaction the continuing interest of the General Assembly and the Secretary-General in this agenda item, as testified by the 15 resolutions adopted without a vote since the item was introduced by Jordan. The Government has also noted the persistent efforts of the Independent Bureau for Humanitarian Issues, mentioned specifically in 11 of those resolutions, and which it is hoped will be further strengthened through its collaboration with the Office for the Coordination of Humanitarian Affairs, as suggested by the Assembly in resolution 55/73.

2. While it is encouraging that more than 100 of the recommendations made by the Bureau's predecessor, the Independent Commission for International Humanitarian Issues, have been implemented, as noted in previous reports of the Secretary-General, it is important to ensure active follow-up to the remaining suggestions of the Commission. The Government of Jordan wishes to propose that a group of governmental representatives, supported by experts, be formed on voluntary basis in order to review the state of humanitarian space, identify the new and emerging humanitarian problems and their solutions as the building blocks of a new international humanitarian order. As explained in an earlier submission (see A/53/486, annex), the purpose of the agenda item introduced by Jordan was not to question the existing humanitarian instruments and mechanisms but rather to build on them and thus strengthen the international response to humanitarian challenges. Second, the aim of the Jordanian proposal was to identify new humanitarian issues that call for adequate international response.

3. The Government of Jordan, totally opposed to all acts and forms of terrorism, is painfully conscious of the far-reaching implications of this growing threat and fully supports all efforts at the national, regional and international levels to combat it. It is remarkable to note that, 15 years ago when the Independent Commission made available to the General Assembly its final report, entitled "Winning the human race", it drew attention to this phenomenon and pointed out, *inter alia*, that terrorism had become a serious impediment to the development of international cooperation and multilateralism, was part of a spectrum of global violence and reflected the increasing reliance on violent methods, was an affront to humanity, and could only be combated effectively through collective action, tenaciously pursued at the global level on the basis of common principles. It would be appropriate if the humanitarian aspects and implications of this phenomenon were included in the agenda of the governmental group mentioned in paragraph 2 above.

4. Another phenomenon, which calls for renewed efforts, is that of refugees. Jordan has been host for more than 50 years to a large number of refugees. It is clear that relief alone is not enough: refugees also need protection. Above all, they need durable solutions to their problems. It is now universally recognized that voluntary repatriation is the best solution to the refugee problem. The international community must play a more active role in creating conditions conducive to their return home. At the same time, it must help the country of asylum, not only to encourage a liberal policy of asylum but also to compensate it for the damage done by the influx of large numbers of refugees to the socio-economic fabric of the host society. New and innovative methods must be explored in the context of a new international humanitarian order.

5. The Government of Jordan reiterates that the dissemination of and education in fundamental human rights and freedoms, a community-based approach to peace and development and a vigorous effort at local capacity-building are examples of practical actions that the international donor community should support. As for the agenda item relating to the promotion of a new international humanitarian order, the Government continues to be of the view that the full potential of the agenda item is yet to be realized, although it has been useful as an umbrella item for humanitarian concerns not clearly covered by other agenda items.

Pakistan

1. Two decades ago, after the adoption by the General Assembly of resolution 46/182, relating to the promotion of a new international humanitarian order, the Government of Pakistan was among the first countries to support the idea and to express the hope that it would prove to be an essential step towards the achievement of the goals of human freedom, welfare and progress enshrined in the Charter of the United Nations (see A/40/348/Add.1).
2. Likewise, when the Independent Commission for International Humanitarian Issues was formed, Pakistan had the honour to be the first country to announce its support for the Commission and, subsequently, the follow-up mechanism that it established at the end of its mandate (i.e. the Independent Bureau for Humanitarian Issues). In this connection, the Government of Pakistan took note with satisfaction of the invitation extended by the Assembly, in resolution 55/73, to the Independent Bureau to continue and further strengthen its activities, including cooperation with the Office for the Coordination of Humanitarian Affairs of the Secretariat and other relevant bodies of the United Nations system.
3. Clearly, in view of the developments since 11 September 2001, the need to promote a new international humanitarian order is even greater than before. National and international legislation as well as norms and practices need to be adjusted to new realities and challenges. In this context, the Government of Pakistan wishes to highlight four issues of which it and the people of Pakistan have considerable direct experience and which continue to constitute major challenges to the international community.
4. First and foremost, at this point in time, is the problem of terrorism, which needs to be addressed urgently and effectively at the national, regional and international levels. It calls for concerted efforts by the international community. Various aspects of this phenomenon, which is not new but which is assuming serious proportions, need to be studied, including the humanitarian aspects of its repercussions. Above all, it is essential to analyse and address the root causes of terrorism and to try to eliminate them.
5. Second, the challenge of involuntary displacement of populations needs to be met more effectively through well-coordinated global action. Pakistan has had to host for more than two decades the largest number of refugees and externally displaced persons in the world. On the basis of lessons learned in South Asia and other parts of the world, it is important to adjust international norms and practices to realities on the ground. For example, in order to make voluntary repatriation a truly successful operation, it is important that the international community as a whole help to create conditions in the country of origin that would permit the rapid and satisfactory reintegration and rehabilitation of returnees. It is equally important that the country of asylum be helped to overcome the socio-economic problems caused by large influxes of refugees. Furthermore, a holistic approach is needed to address various aspects of involuntary displacement which can include not only refugees who fulfil the eligibility criteria contained in the 1951 Convention relating to the Status of Refugees but also those externally displaced persons who do not fulfil those criteria but whose need for humanitarian aid is no less. The efforts of the international community should be geared as much to relief and protection as to the active pursuit of durable solutions. Greater efforts need to be made also to assist and

protect internally displaced persons in order to circumvent the prospect of additional refugees.

6. Third, more vigorous efforts need to be made by the international community to employ more effective methods for conflict prevention. This involves not only an effective and accurate early warning system but also concrete and timely action at the regional and international levels to avoid recourse to arms and violence. In this context, new paradigms need to be developed to prevent humanitarian crises, which can degenerate into armed conflict between and within States. Similarly, peace-building and reconstruction of fractured societies call for innovative approaches and coordinated efforts both at the national and international levels. In view of the looming threats to peace and security in almost every continent, there is an urgent need to adjust and strengthen the global institutional arrangements for preventive work as well as peace-building.

7. Finally, in recognition of the fact that most humanitarian crises arise from violations of human rights, the international response should not be limited to exhortations for the respect of those rights in a narrow framework of reward and punishment but should be extended to addressing the root causes and to resolving humanitarian problems through a holistic approach. In other words, human rights should be more closely linked to humanitarian issues and the approach to both should be action-oriented and geared to tangible results.

Reply received from the Independent Bureau for Humanitarian Issues

1. During the period under review, the Independent Bureau for Humanitarian Issues continued and further strengthened its activities, as elaborated in the earlier reports of the Secretary-General, notably A/51/454, A/53/486 and A/55/545. In keeping with the most recent resolution of the General Assembly relating to the promotion of a new international humanitarian order (resolution 55/73), the Bureau also ensured cooperation with the Office for Coordination of Humanitarian Affairs of the Secretariat and the other relevant bodies of the United Nations system. It also served in various parts of the world as an implementing partner of some other United Nations bodies, such as the Office of the United Nations High Commissioner for Refugees, the United Nations Development Programme and the United Nations Children's Fund. In the context of its vocation and mission, the Bureau firmly believes in the need to build upon and strengthen the nexus between human rights and humanitarian issues, which it perceives as two sides of the same coin. Consequently, it looks forward to closer collaboration with the Office of the High Commissioner for Human Rights and the Office for the Coordination of Humanitarian Affairs.

2. In pursuit of its primary function of follow-up to the work of the Independent Commission for International Humanitarian Issues, the Bureau has vigorously tried to disseminate the work of the Commission and to ensure that its recommendations are implemented. As stated in the earlier reports of the Secretary-General, almost two thirds of the recommendations and proposals of the Commission have indeed been translated into reality. However, the attention of the Bureau has been drawn to the fact that some of the most important and far-reaching recommendations have yet to be fully implemented. The Bureau intends to attach the highest priority to them,

in particular in view of recent developments and the emerging humanitarian challenges.

3. One of these recommendations calls for the establishment of independent national commissions for humanitarian issues, separate from but closely cooperating with the national human rights commissions which already exist in many countries throughout the world. Their task would be to identify neglected or inadequately addressed humanitarian problems and to encourage action, at the national and regional levels, to resolve them. They would serve as support mechanisms for international action and as useful interlocutors and supporters of humanitarian bodies, such as the Office for the Coordination of Humanitarian Affairs. As stated by the Independent Commission in its final report, these national commissions, if established in all regions, could together form the nucleus of a humanitarian movement that would complement the existing bodies and ongoing efforts by promoting issues which are inadequately addressed.

4. Linked to the above-mentioned recommendation is another important idea in the context of governmental action, which could have a far-reaching impact in the humanitarian field; that is, the establishment within the government structure of a ministry of humanitarian affairs or a special department attached to the office of the Head of State or Government. As rightly pointed out by the Commission, humanitarian issues are at present the concern of ministries of interior, social welfare, justice and foreign affairs, and such compartmentalization puts humanitarian issues at a disadvantage vis-à-vis other matters that have their specific advocates within the Cabinet. The Independent Commission was of the opinion that such a ministry or department would help to bring cohesion into the complex and diverse humanitarian networks and ensure that humanitarianism becomes a factor in the national policy-making process, on a par with other factors. It was considered, on the basis of lessons learned from a number of major humanitarian emergencies, that there was need for a focal point for effective coordination within the governmental structure and that a holistic multidisciplinary approach was called for. Some Governments have taken action closely resembling the idea put forth by the Commission but, in the opinion of the Bureau, there is clearly a need to further pursue it actively and cohesively, in particular in the war-ravaged or crisis-prone countries.

5. One of the recommendations made and actively pursued by the Independent Commission as of 1987 was successfully implemented a few years later, that is, the establishment of a United Nations central office for humanitarian issues. It was at first known as the Department of Humanitarian Affairs, but subsequently became the present Office for the Coordination of Humanitarian Affairs. The international community recognizes the usefulness of the central role of the Office, in particular in the initiation and coordination of concerted efforts to help the victims of natural and man-made disasters. In support of the noble and valuable work being done by the Office, the Bureau recalls that the Independent Commission strongly considered that the proposed office would not only be helpful in coordinating policies and programmes of the United Nations system but also in maximizing their impact and in monitoring as well as providing policy guidance in regard to specific humanitarian issues, including in particular those that are not adequately covered by existing agencies. The Office has indeed been asked to cover the so-called grey areas, such as the problem of internally displaced persons whose number now exceeds that of refugees. There are still other problems, such as the recurring

phenomena of mass expulsions or forced relocation of populations, which in recent years have adversely affected millions of persons. Likewise, new humanitarian challenges resulting from increasingly serious problems, such as international terrorism, need to be addressed from the humanitarian point of view as much as from the political or military angle. It would be worthwhile for the international community to support the Office for the Coordination of Humanitarian Affairs and provide it with the necessary means to deal with the neglected or newly emerging humanitarian problems.

6. One of the principal tasks of the Independent Bureau for Humanitarian Issues, inherited from the Independent Commission, is to defend and promote multilateralism, which is increasingly threatened by recent developments. It goes without saying that unilateralism, coupled with nationalism, can be lethal for multilateralism. A concerted effort is called for to defend and strengthen the multilateral institutions so painstakingly built during the past century. Likewise, there is increasingly a tendency to use humanitarian aid as a political tool or a bargaining chip. It is time to turn political humanitarianism into humanitarian politics. In all its work, the Bureau intends to contribute as much as it can to defend both multilateralism and humanitarianism.



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Agenda item 38

The situation in Central America: procedures for the establishment of a firm and lasting peace and progress in fashioning a region of peace, freedom, democracy and development

United Nations Verification Mission in Guatemala: renewal of mandate

Report of the Secretary-General*

Summary

The present report summarizes developments in 2002 related to the implementation of Guatemala's peace agreements. In the light of the number of provisions remaining to be implemented and the deterioration in the situation in the country, the Secretary-General requests a renewal of the mandate of the United Nations Verification Mission in Guatemala, from 1 January to 31 December 2003.

* On 24 December 2001, the General Assembly extended the mandate of MINUGUA from 1 January to 31 December 2002. Submission of the report is timed to coincide with conclusion of that mandate, on 31 December.



I. Introduction

1. The present report is submitted pursuant to General Assembly resolution 56/223 of 24 December 2001, by which the Assembly authorized the renewal of the mandate of the United Nations Verification Mission in Guatemala (MINUGUA). The mandate of MINUGUA derives from Assembly resolution 51/198 B of 27 March 1997. Throughout 2002, MINUGUA has continued to verify compliance with the peace agreements signed by the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca. By resolution 56/223, the Assembly renewed the mandate of MINUGUA from 1 January to 31 December 2002. At that time I was requested to submit an updated report to the Assembly at its fifty-seventh session, together with recommendations on the work of the Organization in Guatemala after 31 December 2002.

2. In my report dated 21 September 2001 (A/56/391), I recommended to the Assembly renewal of the mandate from 1 January to 31 December 2002. On that occasion, in keeping with the practice since December 2000, I presented plans for the incremental downscaling of Mission operations, leading to closure in December 2003. I also called for the greater involvement of the United Nations system in issues and projects on the priority peace agenda, and for strengthening the capacities of national institutions, enabling them to assume key functions after the Mission's closure.

3. The seventh report on the status of implementation of the peace agreements was issued in document A/56/1003, dated 10 July 2002. Subsequently, I transmitted to the Assembly the Mission's thirteenth report on compliance with the Comprehensive Agreement on Human Rights in document A/57/336, dated 14 August 2002. The present report provides a schematic overview of developments related to the peace agenda during 2002. It also presents a plan for restructuring the Mission in 2003 with an eye towards the phasing out of operations and the conclusion of the Mission's mandate. The agreements were originally slated for full implementation in December 2000. Yet, in the light of delays, the Commission to Follow up the Implementation of the Peace Agreements drew up a new timetable which called for completion in 2004.

II. Political context and implementation of the peace agreements

4. After a year of lagging peace implementation and political polarization in Guatemala, optimism about the peace process was renewed in February 2002 as a result of the Consultative Group meeting for Guatemala, convened in Washington, D.C., by the Government and the Inter-American Development Bank, and attended by representatives of the Government, civil society, the donor community and the United Nations system. Discussions were held in a constructive climate of mutual respect, suggesting that Guatemalans were united behind the peace agenda and prepared to reduce the levels of confrontation. Bilateral and multilateral donors emphasized that their continuing support for Guatemala was contingent upon the progress made on the nine points targeted for priority action by the Government, including accelerated implementation of the peace agreements and action to combat impunity, improve public security and guarantee respect for human rights.

5. Significant legislative advances have occurred since the meeting of the Consultative Group. In April 2002, for example, the Guatemalan Congress approved the Law on Urban and Rural Development Councils, the General Law on Decentralization and reforms to the Municipal Code. These pieces of legislation are important steps towards compliance with the commitments on decentralization and social participation contained in the peace agreements. In September, the Congress passed a law outlawing discrimination on the basis of gender, ethnicity and other criteria, including more severe penalties when the victim is a member of Guatemala's indigenous population.

6. The Government presented detailed plans for carrying out its pledge to the Consultative Group and has given periodic progress reports to the international community and the Commission to Follow up the Implementation of the Peace Agreements. Government officials have made assurances that these plans do not substitute for the State's broader commitment to comply with the peace accords as a whole. However, civil society organizations have complained that the Government has prioritized its commitments to international financial institutions at the expense of the goals laid out in the peace agreements.

7. Despite these advances, implementation of the peace agreements remains far behind schedule in many areas (see A/56/1003 and A/57/336). Social and educational budgets remain under-funded, while the military absorbs excessive resources, occupies roles that should be assigned to civilians and is slow to change its counter-insurgency doctrine and deployment. Although progress has been made in building a civilian protection force for the President of the Republic, the Government has not followed through on its promise to dismantle the Presidential General Staff, a presidential security unit linked to grave human rights violations during the conflict.

8. Discrimination remains widespread, with scant advancement towards the far-reaching changes envisioned in the Agreement on the Identity and Rights of Indigenous Peoples. The National Civilian Police, a cornerstone of efforts to strengthen civilian authority, began promisingly but needs greater resources to confront a crisis of public security. Lynchings are again on the rise, underscoring the weakness of the institutions responsible for justice and public security, as well as a persistent culture of violence left over from the armed conflict. Rural social conflicts persist and are magnified owing to a lack of progress on the land question and other aspects of the socio-economic accord. Efforts to build a tax base capable of sustaining a long-term modernization programme have fallen short of the goals established by the peace agreements.

9. As the Mission plans its departure, new dynamics are causing added concern. There was an upsurge in attacks and threats against human rights workers in the first months of the year, possibly by clandestine groups, including former military officers. These incidents have not been followed by serious investigations. Also of great concern is the recent reorganization, as a pressure group, of former members of paramilitary militias found responsible for massive human rights violations during the armed conflict. In considering the demands of these groups for aid, the Government should consider responses that serve to promote healing and reconciliation, in keeping with the spirit of the peace agreements.

10. Elections scheduled for December 2003 add an element of uncertainty and potential conflict. The electoral process could divert attention from the peace agenda

or lead to policies contrary to the peace agreements. Under current planning, MINUGUA will be departing Guatemala just as the new authorities take office, and before the new Government has been able to demonstrate its commitment to the peace accords. Some governmental officials, civil society organizations and members of the international community have expressed concern that voids will be created, in particular in the areas of human rights, indigenous rights, demilitarization and the strengthening of civil society.

11. However, there are encouraging signs as well. Civil society organizations are participating actively and at many levels to ensure that public policies are formulated and carried out in accordance with the peace agreements. Donor Governments appear committed to funding the peace process, while conditioning their assistance on faster implementation. The new leaders of the Office of the Human Rights Ombudsman and the Public Ministry have pledged to improve their institutions, both of which are fundamental to protecting human rights and making justice accessible to all Guatemalans.

12. In October 2002, verdicts were handed down in two landmark human rights cases. In one case, a former high-ranking officer in the Guatemalan army was convicted of ordering the 1990 murder of anthropologist Myrna Mack. Just days later, an appeals court overturned the conviction of four men in connection with the 1998 killing of Bishop Juan Gerardi, citing procedural errors that would require a retrial. Those who have sought to establish the truth and accountability in these crimes are to be commended. That these trials were held testifies to progress, albeit tentative, in establishing the rule of law in Guatemala, and augurs well for a future in which the courts can ensure justice for all.

13. Recent presidential statements have also provided encouragement. Speaking to the General Assembly in September 2002, President Portillo reaffirmed his Government's commitment to the peace process. He also requested an extension of the mandate of MINUGUA into 2004. Subsequently, during a speech marking Guatemala's Independence Day, the President made additional welcome commitments to carrying out aspects of the peace agreements, pledging to strengthen the Land Fund, continue reductions in the size of the army, increase efforts to stop attacks against human rights workers and implement a national reparations programme for war victims, one of the many unfulfilled recommendations of the Historical Clarification Commission. Negotiations between the Government and victims' organizations have held out hope that such a reparations plan can be achieved.

14. Another welcome sign is the convening of thematic round-table meetings on strategic national issues under the joint auspices of the United Nations Development Programme and the Organization of American States. These meetings — on agrarian issues and rural development, indigenous peoples, human rights, justice and public security, the modernization of the army and promotion of a culture of peace and reconciliation — were organized as a result of the call, at the Consultative Group meeting in Washington, D.C., for continued dialogue between the Government of Guatemala, civil society and the private sector. They provide Guatemala with a new opportunity to build consensus around the peace agenda and to push forward the process of national reconciliation.

III. Proposed structure and staffing of the Mission in 2003

15. During 2002, MINUGUA has continued to carry out its mandate to verify compliance with the peace agreements, provide technical assistance, offer good offices and inform the public about its activities and results of the verification. The Mission has issued special reports to the Guatemalan public on the state of indigenous rights, education reform, lynchings and the commitment regarding the size and role of the army. MINUGUA has participated actively in commissions created under the peace agreements and has acted as a central reference point on the agreements for the international community. In the field, MINUGUA has continued to verify, to educate the public about the peace agreements, to promote grass-roots participation in local governance bodies for development planning and to exercise good offices to help defuse social conflicts, which often stem from a lack of compliance with the agreements.

16. MINUGUA has also embarked on a transition programme, the goal of which is to fortify the capacity of Guatemalan state and civil society institutions, as well as the international community, to carry forward the peace agenda after the Mission has withdrawn. Special attention has been paid to the Office of the Human Rights Ombudsman, which has a mandate to verify human rights. While intensifying transition activities, MINUGUA will continue to verify the peace agreements and use its good offices and public information functions to press for fuller implementation during the time remaining in the mandate.

17. The Mission will have to carry out its work within the framework of the gradual budget reductions initiated in previous years. Therefore, I am proposing a further scaling down of MINUGUA in 2003. The savings come largely from reduced administrative costs and reductions in international Professional staff at the Guatemala City headquarters. Verification will be increasingly targeted at the commitments in the peace agreements that are considered fundamental to ensuring the durability of the process. A special effort will be devoted to documenting the nearly decade-long experience of the Mission and analysing the lessons learned.

18. The MINUGUA field offices will retain their current strength of operation. This will allow a decreased, but focused, verification capacity while increasing transition activities aimed at strengthening local actors, including indigenous organizations, the local offices of the Human Rights Ombudsman, the departmental peace round-table meetings and development councils that provide greater grass-roots participation in development planning. The field presence, a key for defusing conflicts and a deterrent against human rights violations, will be especially important during the 2003 election campaign. In anticipation of the changes, the Guatemala City regional office has already been moved from the headquarters to a new location, thus facilitating access by the population and allowing more fluid contact with transition partners and civil society.

19. At MINUGUA headquarters, the office of the Special Representative of the Secretary-General has been streamlined with the incorporation of the functions of the existing Follow-up Unit into an Office of the Political Adviser, which is responsible for political analysis and reporting to United Nations Headquarters, providing advice to the Special Representative on overall Mission strategies and policies and taking a lead role in drafting Mission reports. The Office of the Spokesperson will expand its public information campaigns aimed at solidifying

public support for the peace agreements, while also increasing activities to explain the transition process.

20. Early in 2002, the Transition Unit was formed at MINUGUA headquarters to provide strategic advice and technical support to the Special Representative on the transition process, to develop the Mission's work plan and benchmarks for transition and to monitor transition progress. The Unit will continue to identify transition partners among relevant state entities, peace institutions and civil society organizations and will propose policies for transferring to them Mission information and know-how. Special attention will be paid to coordinating institutional strengthening of the Office of the Human Rights Ombudsman, which is the key state institution for the defence of human rights and a strategic actor in the transition. To that end, a memorandum of understanding was signed in October, providing a framework for future cooperation. The Unit will also work closely with the Resident Coordinator's office, relevant agencies and programmes of the United Nations system and bilateral cooperation agencies in seeking adequate political and financial support for national transition partners.

21. Three remaining Trust Fund projects — support for legislative initiatives on the peace agenda (PROLEY), public information on the peace process and strengthening the departmental peace round-table meetings — will remain important to the Mission's effectiveness.

22. MINUGUA will continue to organize its verification of the peace agreements around four main areas: human rights, indigenous rights, the strengthening of civilian power, and economic policy and rural development. The Mission will also closely monitor the Government's compliance with the promises made to the Consultative Group related to the peace agreements and human rights. In each substantive area, however, the verification will focus on strategic commitments which, if fulfilled, would help to ensure that the peace process is sustainable. In the coming year, the respective units at Mission headquarters will be slimmed down and renamed "advisories", reflecting the need to target verification in fewer areas and to allow an increased emphasis on transition activities. The four advisories, as well as the regional offices, will devote increased staff time and resources to strengthening Guatemalan transition partners, including constitutional bodies and peace institutions.

23. The Advisory on Human Rights, in coordination with the Transition Unit, will prioritize activities to build the capacity of the Human Rights Ombudsman to carry out verification. The Advisory on Indigenous Rights will continue its support for organizing efforts by indigenous groups around the peace agreements and will work closely with the Office of the Human Rights Ombudsman to strengthen its capabilities on these issues. This Advisory will closely coordinate its activities in 2003 with the Office of the United Nations High Commissioner for Human Rights. The Advisory on Strengthening Civilian Power will emphasize key reforms that will solidify the transition, including reforms to the military defence policy and doctrine called for in the peace agreements. The Advisory on Economic Policy and Rural Development, which should be able to sustain additional staff reductions before the end of 2002, will prioritize work around rural development policy and the land issue, which is a source of increasing conflict.

24. To ensure that the experience of MINUGUA is adequately documented and analysed, a new Mission History and Lessons Learned Unit will prepare an official

report on the history of MINUGUA and lessons learned. Mission documents will be organized and located in accessible national and international archives. As part of the transition process, lessons gleaned from Trust Fund projects will be channelled into planning for the international technical assistance projects that will continue after the departure of MINUGUA. By adopting a systematic approach to learning from the past, the products of this new Unit should benefit both Guatemalans and those designing future United Nations peace operations.

25. With the demobilization and disarmament process now complete and civilian staff competently managing military and police reform issues, the posts of Military Adviser and Police Adviser will no longer be necessary. One police observer will remain in each regional office to participate in the verification of human rights cases. These officers will also monitor reform efforts related to public security and the armed forces.

26. In consultation with MINUGUA and the Department of Political Affairs, the United Nations Development Programme has been tailoring its efforts to reflect peace agenda priorities, and to anticipate possible gaps created by the departure of MINUGUA. One new initiative is the establishment of a project on public security and military reform, which will get under way late in 2002. Project staff will work in close collaboration with the staff of the MINUGUA Advisory on Strengthening Civilian Power.

IV. Observations

27. Whether the reform process under way in Guatemala is sustainable in the long term will depend on the ability of Guatemalan parties to carry forward the blueprint for peace and democracy established in the agreements. Now in its eighth year in Guatemala, MINUGUA has begun to prepare for the day when its role as proponent and monitor of reforms and as human rights observer will pass to national actors. In anticipation of that day, I call on all Guatemalans to dedicate themselves to building a just and rights-respecting society capable of providing for the basic needs of all of its citizens. In particular, I would reiterate my call to the Government of Guatemala and to the Unidad Revolucionaria Nacional Guatemalteca, as signatories to the agreements, to provide the necessary leadership in respect of the peace agenda.

28. It is the responsibility of the Government of Guatemala to press ahead with the implementation of the peace agreements, even in the light of tight resources, limited time and political obstacles. The international community stands ready with support, provided that there is political will on the part of Guatemala's authorities. That will should be demonstrated through actions to fulfil outstanding commitments in the peace agreements, such as: progress against impunity, thorough investigations into attacks against human rights workers and the enactment of a programme of war reparations; adequate budgetary support for the Office of the Human Rights Ombudsman, the National Civilian Police and the Public Ministry, as well as educational and health programmes; tangible advances against racial discrimination and in ensuring access to justice and other public services by Guatemala's large indigenous population; and, finally, more determined action towards redefining the role of the armed forces in a time of peace, including the dismantling of the

Presidential General Staff. With electoral campaigns already under way, I call on all of the country's political forces to ensure a constructive and peaceful electoral process, in affirmation of Guatemala's pledge to carry forward the peace process.

29. The period ahead will also be crucial for ensuring that international organizations fully incorporate the peace agenda in their priorities. Within the United Nations system, important progress has been made in this regard in 2002 in specific thematic inter-agency working groups. The Office of the United Nations High Commissioner for Human Rights has taken significant steps towards developing an increased presence in Guatemala. The successful visit of the Special Rapporteur on Indigenous Peoples early in September was an important first step in determining the role that this mechanism can play after the Mission leaves.

30. The Mission is already fully engaged in a transition programme that will intensify in 2003. There are no guarantees, however, that the Guatemalan sectors targeted in the transition will be sufficiently strong to assume their added responsibilities by the time of the planned departure of MINUGUA. The risks of voids appearing in the coverage of key areas, such as human rights, indigenous rights and demilitarization, could become more evident should current political trends continue. In recent months I have been increasingly concerned by a deterioration in human rights compliance, by growing polarization and by the failure to allocate adequate resources to such sectors as public security, justice, education and health. Compounding an already precarious situation, efforts to tackle these shortcomings will unfold amid a change of government scheduled for January 2004.

31. In view of the remaining challenges laid out in the present report and in my previous verification report (A/56/1003), I recommend that the General Assembly approve a renewal of the mandate of MINUGUA from 1 January to 31 December 2003. To realize the work derived therefrom, I call on the Member States to allocate the necessary resources. During the mandate period, I shall continue to report to the Assembly on Guatemala's compliance with the peace agreements while carefully considering how best to accompany Guatemala in the next phase of peace-building. Given the request of the Government of Guatemala for an extension of the mandate of MINUGUA into 2004, I shall initiate consultations with interested Member States and keep the Assembly apprised of the progress of these talks.
